NCRTD SPECIAL BOARD MEETING MINUTES
Thursday July 25, 2008
9:00 AM – 12:00 PM
New Mexico Municipal League
1229 Paseo de Peralta
Santa Fe, NM 87505

CALL TO ORDER:

A special meeting of the NCRTD Board was called to order by Vice Chair Alfred Herrera at approximately 9:10 a. m. in the New Mexico Association of Counties in Santa Fe New Mexico.

APPROVAL OF THE AGENDA

Vice Chair Herrera requested that the Executive Session be considered immediately after item 2 a, Voting Strength Analysis.

Mr. Pacheco moved to approve the agenda as amended. Mr. Vigil seconded the motion and it passed by unanimous voice vote.

a. PLEDGE OF ALLEGIANCE

b. STATE PLEDGE

c. MOMENT OF SILENCE

d. ROLL CALL

Roll call indicated the presence of a quorum as follows:

Members Present

Councilor Alfred Herrera, Vice Chair - City of Española
Mr. Anthony Mortillaro, Los Alamos County
Mr. Sammy Pacheco, Taos County
Mr. Tomas Campos, Rio Arriba County
Mr. Tim Vigil, Pueblo of Pojoaque
Mr. Robert Lieb, Ohkay Owingeh
Mr. Raymond Martínez, San Ildefonso Pueblo
Mr. Bryan Montoya, San Ildefonso Pueblo

Staff Present

Ms. Josette Lucero, Executive Director
Ms. Linda Trujillo, Regional Coordinator
Mr. Jack Valencia, Transit Coordinator
Mr. Ivan Guillen, Regional Transit Coordinator Supervisor
Mr. Mark Basham, Attorney
Ms. Resha Spero, Marketing Manager

INTRODUCTIONS

Those present introduced themselves to the Board.

ACTION ITEMS

a. Voting Strength Analysis

Ms. Lucero presented the voting strength analysis without Santa Fe City or Santa Fe County; a total of nine members and 18 voting units. The quorum would require a total of 5 members and 10 voting units to conduct business.

Mr. Pacheco asked if the Santa Fe Commission had adopted this voting strength.

Mr. Basham explained that they had withdrawn by resolution and it included that the body would withdraw its designees from this Board. The NMDOT interpretation was that it was proper. So this analysis acknowledged that they had withdrawn.

Mr. Pacheco asked if they had a copy of that resolution.

Mr. Basham said he didn't have it.

Ms. Lucero said they did not bring it.
Mr. Pacheco asked if it was presented it at a previous meeting.
Mr. Valencia said they had not but had sufficient documentation to substantiate it.
Ms. Lucero said they had the minutes of their meeting where they took that action.
Mr. Raymond Martínez and Mr. Bryan Montoya from San Ildefonso arrived at this time.
Mr. Pacheco asked if this Board had taken action on it.
Ms. Lucero said no.
Mr. Mortillaro asked if staff had a similar notice from the City of Santa Fe.
Ms. Lucero said she did.
Mr. Mortillaro noted that since they had withdrawn, by indication of the rules they did not have right to any of the money.
Mr. Campos asked how that would affect Española since they were partially in Santa Fe County.
Ms. Lucero said it would have no affect.
Mr. Mortillaro asked if in the voting strength analysis, all the population of Española was counted or just the part in Rio Arriba County.
Ms. Lucero said it would not change that count.
Mr. Lieb asked for clarification of the population columns.
Ms. Lucero read the footnote to explain it.
Mr. Mortillaro asked about the rationale for the withdrawal of Santa Fe County.
Ms. Lucero said that would be discussed in closed session.
Mr. Pacheco moved to approve the Voting Strength Analysis. Mr. Campos seconded the motion and it passed by unanimous voice vote.

3. EXECUTIVE SESSION

MEETING SUBJECT TO THE ATTORNEY-CLIENT PRIVILEGE PERTAINING TO THREATENED OR PENDING LITIGATION IN WHICH THE PUBLIC BODY IS OR MAY BECOME A PARTICIPANT.

Mr. Mortillaro moved, Mr. Vigil seconded to go into closed session pursuant to NMSA 1978 § 10-15-1 H(7) to consider matters subject to the Attorney-Client privilege pertaining pending or threatened litigation in which the public body is or may become a participant. The motion passed by unanimous roll call vote with Councilor Herrera, Mr. Campos, Mr. Martínez, Mr. Vigil, Mr. Pacheco, Mr. Mortillaro, and Mr. Lieb voting in the affirmative and none voting against.

At 9:40, the Board went into executive session.

At 11:05, the Board returned to open session.

Vice Chair Herrera stated for the record that no actions were taken in executive session and the only matters discussed were those identified in the motion.

b. NCRTD RESOLUTION 2008-11: COMMITTING THE NCRTD TO PROVIDE COUNTY OF SANTA FE WITH 86% OF THE REVENUE DERIVED FROM 1/16 OF ONE PERCENT OF THE PROPOSED COUNTY REGIONAL TRANSIT GROSS RECEIPTS TAX LEVIED IN SANTA FE COUNTY IF APPROVED AT THE NOVEMBER 4, 2008 GENERAL ELECTION.

Mr. Campos moved to adopt Resolution 2008-11. Mr. Mortillaro seconded the motion.

Mr. Mortillaro asked if this would still have ample time to get on the ballot.

Mr. Basham said they had until Sept 12th.

Mr. Mortillaro asked if it would have the same ballot position (first).

Mr. Valencia agreed since that was the only one he knew of.

Mr. Mortillaro asked if staff felt they were likely to have a positive vote on this tax if Santa Fe was not part of it. He noted that there were more votes in Santa Fe than the other three counties. They could kill it for the other three counties.

Mr. Valencia said they had not done any polling but had done some preliminary analysis of registered voters. The approach he recommended was a non-partisan approach to get it passed. He agreed it was going to take a lot of coordinated hand shaking and hand holding if the Board adopted this.
Mr. Mortillaro asked if he believed there was more resistance in Santa Fe than elsewhere.
Mr. Valencia answered that they had a partnership but competitive and non-participatory parties could hurt.
Vice Chair Herrera noted there was a second part to this.
Ms. Lucero said it would tie into greater marketing opportunities. If it was a positive vote, NCRTD would meet with Rio Metro and NMDOT for joint marketing. With all the media attention, she thought they could benefit by participating with them and it would be more successful.
Vice Chair Herrera publicly acknowledged a lot of work that had gone into this and on behalf of the Board to thank Ms. Lucero and her staff for all their work; the discussions, the phone calls, to keep Santa Fe in the RTD.
He said that where public entities come together with a common interest at heart and in the spirit of cooperation, they could still move together in a positive direction. All these counties shared commonalities whether it was water issues or mass transportation, and all had a vested interest in it. We have already gotten a taste with the blue buses going down the road. He thought all the people around the table and those not here had a passion for mass transportation.
He reported his recent attendance at a workshop in Seattle and said it was interesting to see larger urban areas with their major, major issues. We are still trying to change a mind set as an alternative to the high cost of fuel. It was interesting to get other perspectives across the nation.
Mr. Mortillaro sought clarification on page three, item three, where it said “to provide connecting service to the Rail Runner,” and asked if that was inclusive to service external to Santa Fe County.
Ms. Lucero said the remaining 14% was within Santa Fe County.
Mr. Mortillaro asked if NCRTD couldn’t use that for the costs related for connecting Los Alamos, Rio Arriba and Taos Counties to the Rail Runner.

Ms. Lucero said they could. This was for northern routes to the Rail Runner.
Mr. Mortillaro proposed amending the resolution to say, "providing connecting service <u>from all member entities in the RTD</u> to the Rail Runner."
Mr. Campos accepted the amendment as friendly.
Mr. Mortillaro asked about the language under page 2 item B where it said "so long as the voters of Santa Fe County approve the proposed levy."
Mr. Basham agreed that language was to be removed. The sentence should end at "...levied in Santa Fe County."
Mr. Mortillaro and Mr. Campos agreed to include that amendment in the motion.
Mr. Pacheco asked Mr. Valencia if the agreement with NMDOT had been revised to address his objections to the original agreement and if it had been approved by the Board.
Mr. Valencia said it would be considered at the September meeting.
Ms. Lucero said it could be approved at the beginning of the meeting.
Mr. Mortillaro asked if the provision was still open if expenses exceeded revenues.
Mr. Basham said it addressed a surplus condition but was specifically silent if there was a shortage.
Mr. Mortillaro asked if that was what the Board approved.
Mr. Valencia explained the JPA action that was taken.
Mr. Pacheco said they needed to know about the contributory liability of Rio Metro since the NCRTD was a conduit of the 1/16 generated by the Santa Fe County. That would go a long way to ensure it was not jeopardized. The initial JPA was too wide open. It said the Rail Runner assets would be turned over by DOT to NCRTD and RioMetro. He thought they rescinded that and would retain ownership at DOT.
Vice Chair Herrera suggested they might take another look at that and include the further discussion that Mr. Valencia had with the insurance carrier. The Board could go back to the JPA and either have the staff move that discussion forward and discuss it with Mr. Pacheco and if it needed to come back for reconsideration at the next meeting. It was a fair question.

Mr. Mortillaro requested that it be put back on the agenda, whether any action was needed or not, to answer these questions. He suspected this Rail Runner was probably going to cost more than anticipated. He asked where that extra money would come from.

Vice Chair Herrera agreed that was a point well taken.

Mr. Pacheco asked how the voting analysis would change if Santa Fe city and County were allowed to return.

Ms. Lucero briefly described the change that would occur.

The motion to approve the resolution as amended passed by unanimous voice vote.

MISCELLANEOUS

None.

NEXT BOARD MEETING: FRIDAY, SEPTEMBER 5, 2008

ADJOURNMENT

Mr. Mortillaro moved to adjourn the meeting. Mr. Campos seconded the motion and it passed by unanimous voice vote.

Having completed the agenda and with no further business to come before the Board, Vice Chair Herrera adjourned the meeting at 11:32 a.m.

Approved by:

Councilor Alfred Herrera, NCRTD Vice -Chairman

Attest: NCRTD August 12, 2008 Special Board Meeting Package: July 25, 2008 Special Meeting Package Page 21

Mark Basham, NCRTD Legal Council